

**REMARKS**

Applicants respectfully request reconsideration of the above-captioned application. Claims 1-20 are currently pending. Claims 2, 7, 8, 16 and 18-20 have been placed in independent form, in accordance with the Examiner's suggestion. At least these claims are allowable for reasons of record.

Applicants note with appreciation the indication that the claim rejection under 35 U.S.C. §112, second paragraph, of claims 1-16 has been withdrawn.

The Office Action includes a rejection of claims 1, 6, 9-11 and 15 under 35 U.S.C. §102(e) as allegedly being anticipated by the Walsh patent (U.S. Patent No. 6,110,612), as evidenced in the Kordes et al. book extract (Kordes and Simader, Fuel Cells and Their Applications, VCH Publishers, Inc. New York, NY (USA), 2001, pages 72-76); a rejection of claims 3-5 and 12-14 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Walsh patent in view of the Kordes et al. extract, and in further view of the Besmann et al. patent (U.S. Patent 6,037,073); and a rejection of claim 17 under 35 U.S.C. §103 as allegedly being unpatentable over the Walsh patent in view of the Kordes et al. extract. These rejections are respectfully traversed.

The fundamental distinction between the present invention and the applied art is that the electrical connection member for electrically connecting adjacent cells disposed in a plane with a hollow space interposed between the adjacent cells is arranged such that the electrical connection member is positioned in the hollow space. The Walsh patent, which relates to a different type of structure, i.e., a structure for common access and support of fuel cell stacks, is distinct in a variety of ways, and those distinctions are apparent in claim

1 insofar as the electrical connection 98 is not in the hollow space. It should be noted that there are many differences between the fuel cell stacks of the Walsh patent with respect to the present invention but that the undersigned understands the rejection to be based upon a broad reading of the claim language. Hence, applicants wish to point out that the combination of features of the claim basically defines a different structure resembling Figure 3 of the present application, as opposed to Figure 10 of the Walsh patent. In any event, one marked distinction is that the wire 98 is not in the hollow space, as defined in the claims.

In response to this earlier argument, the Office at page 6 indicates that the electrical connection number 98 of the Walsh patent "is positioned in the hollow space as defined by the vertical faces, i.e., 18 and 22." It is respectfully submitted that the hollow space, to the degree there is one, in the Walsh patent, is inside the structure 10. To theoretically project imaginary planes from a structure and define that as a "hollow space" broadens the clear meaning of the terms beyond what is reasonable in light of the specification. It is noted "hollow" means "having a cavity, gap or space within a hollow wall." The American Heritage Dictionary, 2nd College Ed., copyright 1982 (emphasis added). Hence, it is respectfully submitted that it is not enough to define a theoretical volume in order to meet the recitations of the claim.

However, in a spirit of compromise, applicants accept the broader interpretation of the Examiner and make this phrase even more well defined by providing that "hollow space" is an "enclosed, contiguous hollow space" as is proposed with respect to claims 1, 9 and 17, above. It is emphasized, however, that applicants do not view this amendment to

be necessary to gain patentability but simply to provide an explicit definition of the space in the claim recitations as that term applies to this invention. The newly created independent claims have been changed to remove "hollow" so as to avoid any confusion as to the scope of these claims as interpreted by the Examiner.


In light of this change, applicants respectfully submit that the present application is in condition for allowance.

In passing, it is noted that the Office also suggests that the anodes and cathodes of the fuel cell stacks 88 in the Walsh patent are "connected to the structure in a gas-type manner." The point of this counterargument is not completely understood and may have been based on the fact that the Walsh patent does not have anodes and cathodes in a single hollow space and therefore does not teach or suggest a "fuel flow stopper disposed at a portion at the part of the cathodes in the hollow space, the fuel flow stopper preventing fuel flowing at a portion at the part of the anodes in the hollow space from flowing towards the portion at the part of the cathodes in the hollow space." To bring this distinction out even further, the claim has been amended for emphasis, again noting that the scope of the claim is not intended to be changed. Applicants have previously presented other arguments, which they have not given up, but do not repeat here for sake of brevity. Similarly, the new rejection of claim 17, which is substantially identical in substance to the rejections previously discussed, will not be separately discussed for the sake of brevity insofar as the same arguments apply. The secondary references, of course, do not cure the deficiencies with respect to the Walsh patent explained previously.

In light of the foregoing, applicants respectfully request reconsideration and allowance of the above-captioned application, as well as entry of the foregoing amendments. Should any other issues arise, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Charles F. Wieland III  
Registration No. 33,096

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: October 16, 2003